IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1134 OF 1992

Union of India ..Appellants

versus

Vijay Traders ..Respondents

Mr. A. N. Samant for the Appellants.

Mr. G. J. Mohanrao for the Respondents.

CORAM: D.G.DESHPANDE,J.

DATED: 4TH MAY, 2005

ORAL ORDER :

1. Heard learned counsel for the parties.

2. This Appeal is filed by the Union of India - Appellants against the order of the RACT, Mumbai dated 31.7.1992.

3. Mr. Samant raised only one contention i.e. the claim was filed by the original claimants against three Railways i.e. Central Railway, Northern Railway and North Frontier Railways.

4. As regards liability of all the three railways, if at all there is liability of the Union of India, then Decree against one of the railways would be proper and sufficient. In many such appeals of the Union of India, I have accepted this contention, therefore, impugned judgment will have to be maintained against General Manager, Central Railway only and order against Northern Railway and North Frontier Railway will have to be set aside.

5. In the result, I pass the following order:

ORDER

. The appeal is partly allowed.

. There shall be liability of General Manager, Central Railway only and not of other Railways.

. No order as to costs.

4.5.2005 (D.G. DESHPANDE,J.)